

FILED

JUL 3 1 2012

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

MYRA DENISE WALKER RUMLER,)

Plaintiff,)

v.)

FBI OF GREENVILLE)

AND SPARTANBURG,)

Defendant.)

Civil Action No.

12 1267

MEMORANDUM OPINION

This matter comes before the court on review of plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The court will grant the application, and dismiss the complaint.

The court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(E)(1)(B). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on an indisputably meritless legal theory, but also claims whose factual contentions are clearly baseless. Claims describing fantastic or delusional scenarios fall into the category of cases whose factual contentions are clearly baseless. *Id.* at 328. The trial court has the discretion to decide whether a complaint is frivolous, and such finding is appropriate when the facts alleged are irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

The plaintiff alleges that, for “the past 9 month[]s, member[]s of the FBI of S.C. have followed” her and are “trying to stop [her] from starting any legal action against them.” Compl.

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at 1. For example, plaintiff accuses defendants of directing “people to give [her] wrong directions” so that she “would run out of money without talking” to anyone. *Id.* She further claims that defendants appeared at hospitals where she was undergoing treatment, *see id.* at 1-2, and otherwise harassed her by tapping her phone, among other methods, *see id.* at 3. Plaintiff appears to demand injunctive relief and monetary damages to cover her travel expenses for her trip from South Carolina to Washington, D.C.

The Court is mindful that complaints filed by *pro se* litigants are held to less stringent standards than those applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Having reviewed plaintiff’s complaint, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible. For this reason, the complaint is frivolous and must be dismissed. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

DATE:

7/16/12